



ADVERTISING STANDARDS AUTHORITY

<b>COMPLAINT NUMBER</b>	13/410
<b>APPEAL NUMBER</b>	13/036
<b>COMPLAINANT</b>	M. Healey
<b>APPLICANT</b>	Voice For Life
<b>ADVERTISER</b>	Voice For Life
<b>ADVERTISEMENT</b>	Voice For Life Newspaper
<b>DATE OF MEETING</b>	16 December 2013
<b>OUTCOME</b>	Dismissed

## SUMMARY

The Advertising Standards Complaints Board ruled to uphold the complaint made by M. Healey against Voice for Life on 8 October 2013. The Advertiser appealed the Decision, submitting the evidence had been misinterpreted by the Complaints Board and the rules of natural justice were not followed; in this case, as they pertain to freedom of expression in a controversial area, and right to information for a person exposed to a danger. The Chairman of the Complaints Board accepted the Appeal to be heard by the Appeal Board.

The Appeal Board said while a certain amount of latitude is provided for under advocacy that right is not unfettered and strong opinion requires robust substantiation and that opinion must be clearly distinguishable from factual information. However, it said the Advertiser had selectively used rare cases of complications with medical abortion, some in resource-poor countries - to support its view which it presented as "*the truth*" with inadequate substantiation to verify the claims made. Therefore, the Appeal Board said the misuse of information did not correlate to "*the truth*" about medical abortions and the drug RU486 as purported in the advertisement but rather, was the Advertiser's opinion that was presented as fact which was in breach with the requirements of Rule 11.

When considering whether the advertisement had unjustifiably played on fear, the Appeal Board also said that, putting itself in the position of the target audience, the Advertiser had used selective information out of context to skew the perception of risk associated with medical abortions. It said it had done this in such a way that was likely to unjustifiably play on fear about a topic where there was considerable debate between two diametrically opposed advocates.

The Appeal Board said the inconsistencies in information; the selective use of information presented as fact; inadequate substantiation and the unjustifiable use of fear, combined to

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**13/047**  
**Appeal 13/020**

given vulnerable audiences a misleading impression as to the risks of a medical abortion. The Appeal Board ruled the advertisement had not been prepared with a due sense of social responsibility to consumers and to society. Taking all of the advice into account, the Appeal Board found that the advertisement was in breach of Rules 2, 6, 11 and Basic Principle 4 of the Code of Ethics.

When considering Rule 3, the Appeal Board said the opinions and comments attributed to the academics did not reach the threshold to trigger a breach of that Rule 3.

The Appeal Board ruled the complaint against the newspaper advertisement be upheld and dismissed the Appeal..

**Decision:** Appeal **Dismissed**

Please note this headnote does not form part of the Decision.